

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION**

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 6:12-cr-00210

LLOYD B. CARR

MEMORANDUM OPINION AND ORDER

Pending before the court is Defendant Lloyd B. Carr's motion [ECF No. 94] for modification of an imposed term or sentence under the First Step Act. In May 2014, Defendant was sentenced to 75 months of imprisonment followed by three years of supervised release after pleading guilty to aiding and abetting mail fraud in violation of 18 U.S.C. §§ 1341 and 1342. [ECF Nos. 59, 61]. Mr. Carr was likewise ordered to pay \$589,704.85 in restitution. *Id.* Defendant completed his sentence and was ultimately released from custody on November 19, 2019. [ECF No. 181, at 4]. Upon his release, Mr. Carr began serving his three-year term of supervised release, which expired on November 18, 2022. *Id.* Mr. Carr now moves for the appointment of counsel to seek a reduction of the sentence that he has already served. [ECF No. 94].

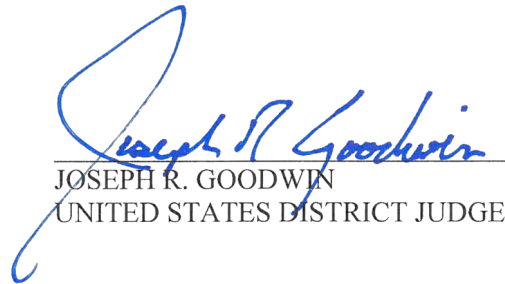
A case is moot when the issues presented are no longer live and the parties lack a cognizable interest in the outcome. *Simmons v. United Mortg. & Loan Inv., LLC*, 634 F.3d 754, 763 (4th Cir. 2011). Mr. Carr is no longer serving a sentence related to this case and this court finds it unnecessary to appoint counsel to seek to

reduce or modify a sentence that has already been served. Defendant's Motion is now moot, as the instant action is no longer live, and any modification or reduction of Mr. Carr's previously served sentence would be futile.

For these reasons, Defendant's Motion [ECF No. 94] is **DENIED as moot**.

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant, the Federal Public Defender, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: April 10, 2023



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE